



U.S. Department of the Interior  
Bureau of Land Management

# Scoping Document

## HRM Allotment Permit Renewal DOI-BLM-MT-C010-2022-0037-EA March 2023

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# 1 Introduction

## 1.0 Summary of Proposed Project

In 2019 the Bureau of Land Management (BLM) Billings Field Office (BiFO) started the process for renewing the current BLM livestock grazing authorization on the HRM No. MT04903 Allotment authorized to Milton Ranch, LLC. The Allotment is located in Musselshell County, Montana approximately eight miles northwest of Roundup, MT. The allotment is approximately 14,966 acres total with 5,877 acres of BLM, 7,976 acres of private, and 1,113 acres of State administered land.

The HRM Allotment is located in the Middle Musselshell Planning Landscape Area Planning Unit and a rangeland health assessment was completed for the entire area, and the HRM allotment is included in that analysis and determination, it was determined to be meeting all standards of rangeland health. An “Application for Grazing Permit Renewal” (Form 4130-2a) was sent to Milton Ranch, LLC in the process of the renewal and they have applied for changes to authorization. The changes are outlined in the proposed action of this Environmental Assessment (EA).

The Middle Musselshell Land Health Assessment (LHA) that was conducted by the BiFO Interdisciplinary Team (IDT) evaluated five standards which are:

- Standard #1: Uplands are in proper functioning condition.
- Standard #2: Riparian Areas and wetlands are in proper function condition.
- Standard #3: Water quality meets Montana State standards.
- Standard #4: Air quality meets Montana State standards.
- Standard #5: Habitats are provided for healthy, productive, and diverse native plant and animal populations and communities. Habitats are improved or maintained for special status species (federally threatened, endangered, candidate or Montana species of special concern).

The LHA evaluation writeup and determination was completed and signed by the Authorized Officer. All five standards were determined to be meeting for the HRM Allotment.

## 1.1 Purpose and Need

The purpose is to respond to the submitted “Application for Grazing Permit Renewals” from Milton Ranch, LLC. The need for the action is established through the Taylor Grazing Act of 1934, Federal Land Policy and Management Act (FLPMA), and the grazing regulations (43 CFR § 4100).

## 1.2 Decision to be Made

The BLM would decide whether to authorize livestock grazing on the HRM Allotment, and if so, under what terms and conditions.

### 1.3 Land Use Plan Conformance

Alternatives 1 and 2 would be in conformance with the BIFO Approved Resource Management Plan (RMP), September 2015.

- Goal Veg/R&S 3: Maintain, improve, enhance, or restore habitat to facilitate the conservation, recovery, and maintenance of populations of native and desirable nonnative plant and animal species.
- Goal WLH & SSS 2: Manage for net conservation gain and connectivity of habitats on BLM-administered lands. The necessary habitat will be present to maintain, enhance, or restore threatened and endangered (T &E), special status, and priority native species populations. Sagebrush, native grasslands, seasonal or crucial wildlife ranges, special status species habitat, fisheries, cottonwood galleries, and riparian/wetlands will be priorities.
- Goal WLH & SSS 8: Provide for the long-term conservation, enhancement, and restoration of the sagebrush steppe/mixed-grass prairie complex in a manner that supports sustainable Greater Sage-Grouse populations and a healthy diversity and abundance of wildlife species.
- Goal LG 1: Provide opportunities for livestock grazing as a part of multiple use in a manner that meets and/or exceeds rangeland health standards.
- Goal LG 4: Integrate livestock use and associated management practices with other multiple use needs and objectives to maintain, protect, and improve rangeland health.
- MD WLH & SSS-53: Special Status Species: Assist in the restoration, reintroduction, augmentation, or re-establishment of threatened, endangered, and other priority or special status species populations and (or) habitats in coordination with MTFWP and USFWS.
- MD GC/ACEC-17: Livestock Grazing: Available (Note 7: Livestock grazing will be controlled through terms and conditions on the grazing permit).
- MD LG-1: Monitor and evaluate grazing allotments to maintain or improve rangeland productivity.
- MD LG-3: Adjust permit terms and conditions (e.g., increased/decreased permitted use, season of use, and kind and class of livestock) when grazing permits are issued or as otherwise deemed necessary by site specific evaluation of monitoring data and environmental analysis.
- MD LG-20: Total acres permitted for livestock grazing: 387,057 (*which includes the BBGC planning unit*)
- MD Veg/R&S-1: Manage rangelands to meet health standards consistent with the Standards for Rangeland Health (Standards 1 and 5) and Guidelines for Livestock Grazing management and apply guidelines where not meeting the standards.

### 1.4 Relationship to Statutes, Regulations, Other NEPA Documents

The alternatives would be in conformance with:

- National Environmental Policy Act (NEPA) of 1969 (Pub. L 91-190; 42 U.S.C. 4321 et seq.)

- Taylor Grazing Act of June 28, 1934, as amended (43 U.S.C. 315 through 315r)
- The Public Rangelands Improvement Act of 1978 (43 U.S.C. 1901, et seq.)
- Federal Land Policy and Management Act (FLPMA) of 1976, as amended (Pub. L. 940579); 90 Stat.2743; 43 U.S.C. 1701 et seq.)
- 43 CFR 4100 Grazing Administration
- Standards for Rangeland Health and Guidelines for Livestock Grazing Management for Public Lands Administered by the Bureau of Land Management for Montana and the Dakotas
- BLM Washington Office (WO) Instruction Memoranda (IM) No. 2018-23
- BLM Washington Office (WO) Instruction Memoranda (IM) No.2016-142
- National Historic Preservation Act (NHPA), 1966, as amended

## 2 Proposed Action

### 2.0 Alternative 1 - No Action Alternative

The No Action Alternative would issue the grazing authorization for a term of ten years under the same terms and conditions. The current authorization of the HRM Allotment is described in **Table 1** below and associated terms and conditions:

**Table 1: Current grazing schedule of the HRM Allotment**

Auth. #	Allot. Name/No.	Livestock #/Kind	Season of Use	% PL	Type Use	Public Land AUMs
2504242	HRM/04903	211 Cattle	Yearlong	69%	Active	1752

Below are the current terms and conditions of the HRM Allotment:

- Annual grazing plan will be submitted and approved by the billings field office prior to April 15th.
- Each of the five cells (south big wall, south new Griffith, north Griffith, south Griffith, and east lackey) will receive grazing deferment (4/1-10/1) at least once every four years.
- Private monitoring reports and photos will be submitted to the billings field office.
- All transects will be monitored at least once every three years.
- The lessee is required to notify the billings field office of noxious weed infestations in the allotment.

- The operator is responsible for informing all persons who are associated with the allotment operations that they will be subject to prosecution for knowingly disturbing historic or archaeological sites, or for collecting artifacts on public lands.
- If historic or archaeological materials are uncovered during any allotment activities and grazing activities, the operator is to immediately stop activities in the immediate area of the find that might further disturb such materials,
- And immediately contact the authorized officer (ao). Within 5 working days, the ao will inform the operator as to:
  - whether the materials appear eligible for the national register of historic places;
  - the mitigation measures the operator will likely have to undertake before the identified area can be used for grazing activities again.
- Pursuant to 43 cfr 10.4(g), the holder of this authorization must notify the ao, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 cfr 10.4(c) and (d), you must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer.
- If paleontological materials (fossils) are uncovered during allotment activities, the operator is to immediately stop activities that might further disturb such materials, and contact the authorized officer (ao). The operator and the authorized office will consult and determine the best option for avoiding or mitigating paleontological site damage.
- The use of prescribed fire may be used by BLM to enhance resource conditions, in which case grazing would be deferred for at least 2 growing seasons.
- Numbers of livestock may vary within the permitted season of use as long as the total permitted use does not exceed the public land aum's for each allotment.
- Temporary non-renewable grazing may be authorized on an annual basis if the following terms and conditions are met.
  - Previous year's actual use does not exceed the authorized forage amount.
  - Current year's precipitation is within 85% or more of the average (12.5").
  - Current year's grazing use has not exceeded 50% of the current year's growth compared to permanent grazing exclosures on the allotment.
  - Previous year's monitoring data indicates less than 15% decline in ground cover, or trend data from previous 4 years shows less than 25% decline in ground cover. Additionally, the average ground cover will be maintained at 70% or greater.
  - Previous year's monitoring data indicates less than 10% decline in basal cover of perennial species, or trend data from the previous 4 years show less

than 20% decline in basal cover. Additionally, the average basal cover will be maintained at  $\geq 23\%$ .

- The south Griffith cell will be managed to maintain an average herbaceous height of 18 cm. Throughout the year.
  - Riparian areas will remain in properly functioning condition.
  - Riparian bank alteration would be limited to less than 20% to maintain desired conditions and reduce the potential for erosion, riparian, and water quality degradation.
- Percent allowable bank alteration may be adapted to meet desired conditions, which are currently PFC.

## 2.1 Proposed Action Alternative

### 2.1.1 *Livestock grazing proposal*

The BiFO has received “Application for Grazing Permit Renewal” (Form 4130-2a) requesting changes to the current terms and conditions of the HRM Allotment. The allotment currently has 570 AUMs that are in temporarily non-renewable (TNR) status and the grazing operator has applied to permanently re-instate those AUMs as a phased approach over this ten-year grazing permit renewal plan. Currently, the TNR AUMs can be authorized on an annual basis based on resource conditions and monitoring data. The proposed action is to change a portion of the TNR AUMs into active use at the outset, and provide a framework for converting the remaining TNR AUMs into active use over the next ten years of this permit renewal. A combination of management goals, monitoring and ecological benchmarks would be established to activate those changes. The initial permit would re-instate total of 188 TNR AUMs to active use, or a 1/3 of the current total, and another 1/3 after three years, and the remaining 1/3 after another three years. Rangeland Health Assessments as well as associated monitoring data would also be analyzed during the next ten-year permit renewal to determine the effect of these changes to the resource conditions of the HRM Allotment. The authorization for the initial grazing permit as well as the subsequent grazing permits, can be seen Tables 2-4 below:

**Table 2: Initial grazing schedule of the allotment**

Allot. Name/No.	Livestock #/Kind	Season of Use	% PL	Type Use	Public Land AUMs	Remaining TNR AUMs
HRM/04903	234 Cattle	Yearlong	69%	Active	1940	382

**Table 3: Grazing schedule after three years if terms and conditions are met**

Allot. Name/No.	Livestock #/Kind	Season of Use	% PL	Type Use	Public Land AUMs	Remaining TNR AUMs
HRM/04903	257 Cattle	Yearlong	69%	Active	2,128	194

**Table 4: Grazing schedule after six years if terms and conditions are met**

Allot. Name/No.	Livestock #/Kind	Season of Use	% PL	Type Use	Public Land AUMs	Remaining TNR AUMs
HRM/04903	280 Cattle	Yearlong	69%	Active	2,322	0

Authorization for a permanent increase of active AUMs will be based on monitoring data, as well as ensuring proper growing season rest across the allotment. Should those benchmarks not be achieved during the three-year intervals, the increase would be effective in subsequent years that they have been achieved.

1. Three of the more important land health indicators to help determine management effectiveness, landscape resilience, and overall rangeland health are percent soil cover, percent litter cover, and soil moisture content. These benchmarks will be the basis for the core attributes that would be used towards determining if subsequent TNR AUMs would be re-instated to active AUMs, and also if remaining TNR AUMs would be authorized on an annual basis for the interim grazing years in which no permanent increase is planned. Monitoring locations and key areas would be agreed upon by the grazing operator of the HRM Allotment and the Authorized Personnel at the BLM.

*Soil Surface Cover:* Percent soil cover will remain at or increase from the levels measured at the key areas of the average from 2016-2021. Percent soil cover would be over 90% on at least 50% of the allotment.

*Litter Cover:* Percent litter cover will remain at or increase from the levels measured on the allotment of the average from 2016-2021.

*Soil Aggregate Stability:* Soil aggregate stability would be monitored every three years, during the scheduled conversion of TNR AUMs, as an indicator of soil organic matter, intake, and retention of water, along with air circulation and spaces for microbes. Monitoring would occur at established key areas on upland sites, and stability class rankings range from 1 (least stable) to 6 (most stable). Based on the soil type and ESDs the goal is to maintain a stability class ranking of 3-6 at monitoring locations.

*Water Infiltration:* Water infiltration will also be measured across the HRM Allotment at established key areas utilizing the single-ring infiltration test. This important indicator will be monitored over the ten-year permit renewal to track trend of holistic grazing managements effects on how water infiltrates and is utilized across the landscape.

2. Implementing and maintaining a grazing plan that allows for growing season rest (April to June) on 75% of the pastures each year on the allotment.

3. The number of head of livestock can be exceeded so long as the number of AUMs, active and authorized TNR, are not surpassed.

Annual authorizations of remaining TNR AUMs may be approved and the following management objectives would be used in making that determination:

1. Amount authorized would be commensurate on current years production, and biomass remaining at the time of request.

2. Riparian areas will remain in Proper Functioning Condition



3. Riparian bank alteration would be limited to less than 20% to maintain desired conditions and reduce the potential for erosion, and riparian degradation.

The following are standard design features of the Billings Field Office and would be incorporated into the HRM authorization:

1. The permittee is required to notify the Billings Field Office of new county listed noxious weed infestations in the allotment.
2. The permittee shall immediately bring any objects or resources of cultural or paleontological value discovered as a result of operations under this authorization to the attention of the authorized officer. The permittee shall suspend all activities in the vicinity of such a discovery until notified to proceed by the authorized officer. If human remains are discovered or suspected the operator shall suspend operations immediately, physically guard the area, and notify BLM immediately.
3. The use of prescribed fire may be used by the BLM to enhance resource conditions, in which case grazing would be deferred for at least 2 growing seasons. Any prescribed fire would be covered in a separate analysis and cooperative agreement.

#### *2.1.2 Habitat Connectivity*

BLM in cooperation with the grazing permittee proposes to modify up to 12 miles of fence in the project area to wildlife-friendly standards to decrease barriers to wildlife movements. All modifications would be coordinated with the permittee to address project timing, construction methods, fence design, or other considerations. Modifications would consist of modifying fences to wildlife-friendly standards, in accordance with BLM Handbook H-1741. These modifications would occur over the next two to four years, funding dependent, and would include the use of small equipment such as skid steers to roll fence wires, UTV's/ ATV's to roll out new wire, and hand crews to clip and install new wire and load and remove old wire.

#### *2.1.3 Riparian Treatments*

Approximately three miles of treatments are proposed on the riparian area located in Township 9 North, Range 26 East, Sections 1 and 11. These treatments would use restoration techniques aimed at raising the water table and streambed elevation to restore floodplain subirrigation, which is expected to expand wetland and mesic areas. Structures would include beaver dam analogues (BDAs) to provide geomorphic complexity and help maintain water in the system longer into the growing season. BDAs are channel-spanning structures designed to mimic natural beaver dams. They are built using woody material and small amounts of sediment and vegetation to encourage upstream ponding.

In addition to BDA's, Zuni bowls, and log rundowns would be used to stabilize head cuts. Zuni bowls are rock structures that reduce erosion at the head cut face and protect the roots of the vegetation. Log rundowns serve a similar purpose but use posts or similar wood pieces. Equipment such as mid-sized excavators would be used during construction of the structures, but disturbance would be minimal except in the channel itself.

#### 2.1.4 *Water Developments*

The entire watering pipeline and livestock tanks are supplied from a single storage location in Township 9 North, Range 26 East, Section 14, supplying approximately 14 miles of waterline. The storage is currently an open pit, and the permittee and BLM are proposing to develop an enclosed system which would conserve water through reducing evaporation, prevent wildlife from drowning, and insulate the water supply from freezing during prolonged cold weather conditions. The project would be located at the same location and disturbance area, and consist of two fiberglass tanks totaling at least 10,000 gallons each. The tanks would be buried side by side horizontally and to depth half of the diameter, to minimize the overall disturbance of the area. Soil removed when burying the tanks would be used to help bury and cover them, which would aid in insulative properties as well as helping to limit the overall visibility of the stockwater tank. The permittee would be allowed to fence off the stockwater storage tank to lessen the likelihood of livestock interfering with it and possibly breaking off plumbing of installed appurtenances. This project would be implemented under a cooperative agreement with the permittee.

### 2.2 No Grazing Alternative

The No Grazing Alternative would not reissue a grazing authorization for the HRM Allotment, livestock grazing would be prohibited on the allotment.

**Submit all Comments via the ePlanning link found in the green "Participate Now" tab.**

**FREEDOM OF INFORMATION ACT CONSIDERATIONS:** Public comments submitted for this project, including names, street addresses, emails, and phone numbers of respondents, may become available for public review. Individual respondents may request confidentiality. If you wish to withhold your personal information from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your comments. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

